

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

October 1, 2001

**D038552        In re the Marriage of Ramos and Salceda**

On the court's own motion the order of dismissal, filed August 29, 2001, is vacated and the appeal is reinstated.

**D037516        In re Adrian G., a Juvenile**

The petition for rehearing is denied.

**D037649        In re Marcos M., a Juvenile**

The appeal is dismissed. Huffman, Acting P.J.; We Concur: Nares, J., Haller, J.

**D036379        People v. Gartley**

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., McIntyre, J.

**D038116        Tina G., et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petitions are denied. Benke, Acting P.J.; We Concur: Haller, J, O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

October 2, 2001

**D038668        1926, LLC v. Mexican American Fruit Company**

The appeal is dismissed.

**D038720        In re Jackson on Habeas Corpus**

The petition is denied.

**D038744        In re Hill on Habeas Corpus**

The request for appointment of counsel is denied. The petition is denied without prejudice to refiling after consideration by the superior court.

**D038736        In re Marin on Habeas Corpus**

The petition is denied.

**D038801        Lang v. Superior Court of San Diego County/People**

The petition is denied.

**D038696        In re Pogue on Habeas Corpus**

The petition is denied.

**D038453        Qualcomm Incorporated v. Superior Court of San Diego County/Erlandson**

The petition is denied.

**D038687        In re Hewitt on Habeas Corpus**

The petition is denied.

**D038690        Rice v. Superior Court of San Diego County/Butera**

The petition is denied.

**D038821        Evers as Trustee, etc. v. Superior Court of San Diego County/Vaughan**

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

October 3, 2001

**D037511        In re Marcus E., a Juvenile**

The judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., McDonald, J.

**D037256        People v. Dominguez**

**D037257        People v. Dominguez**

The judgments are affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

**D037243        People v. Alvarez**

The judgment is affirmed. McDonald, J.; We Concur: Kremer, P.J., Benke, J.

**D037932        Gerard v. Qualcomm, Inc.**

**D038524        Gerard v. Qualcomm, Inc.**

Appellant's motion to consolidate the above-entitled appeals is granted.

**D038532        Larry R., et al. v. Superior Court of San Diego County/San Diego County Health  
and Human Services Agency**

The attorney for petitioner Henrietta C. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

**D038740        In re Tagaloni on Habeas Corpus**

The petition is denied.

**D035247        People v. Tran**

**D038684        In re Tran on Habeas Corpus**

The pending petition for writ of habeas corpus is consolidated with the pending appeal for disposition.

**D035247        People v. Tran**

**D038684        In re Tran on Habeas Corpus**

Judgment affirmed, petition denied. Haller, J.; We Concur: Kremer, P.J., McIntyre, J.

**D037878        People v. Robinson**

Judgment affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D037541        Corcoran v. City of Huntington Beach et al.**

The judgment is affirmed. Nares, J.; We Concur: Kremer, P.J., McDonald, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

October 4, 2001

**D038799 Day v. Salvation Army**

The appeal is dismissed. The order directing plaintiff to include a valid address on his amended summons is not an appealable order, but may be reviewed by writ of mandate under Code of Civil Procedure section 1085.

**D038072 People v. Tamayo**

The appeal is dismissed pursuant to rule 17(a).

**D035046 People v. Rodriguez**

Affirmed. Haller, J.; We Concur: Kremer, P.J., Benke, J.

**D037546 Baldwin et al. v. Summit Hills**

The judgment is affirmed. Summit is to recover its costs on appeal. McIntyre, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

**D036889 People v. Charlton**

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., Huffman, J.

**D036695 People v. Rogers**

Judgment affirmed. Huffman, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

**D036837 Fred Lowenschuss Associates v. Lerach et al.**

The judgment is affirmed. Milberg Weiss is awarded costs on appeal. Haller, J.; We Concur: Kremer, P.J., Benke, J.

**D037478 People v. Palma**

Judgment affirmed. Nares, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

**D037299 In re Marriage of Zamos**

The December 14, 2000, order is reversed and remanded with directions to deny the motion without prejudice to any future application by Patricia for attorney fees actually incurred in connection with the support appeal. The parties shall bear their own costs on this appeal. McDonald, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

**D038805 Harper-Nielsen-Dillingham Builders et al. v. Superior Court of San Diego County/Quintero et al.**

The request for judicial notice is granted. The petition is denied.

**D038735 In re Madriaga on Habeas Corpus**

The petition is denied.

**D037482 People v. Cofey**

Judgment affirmed. Benke, Acting P.J.; We Concur: Nares, J., McIntyre, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
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October 4, 2001 (Continued)

**D036252        Commercial Money Center, Inc. v. Hunt et al.**

The judgment is reversed insofar as it awards the Hunts attorney fees. The judgment is affirmed in all other respects. O'Rourke, J., We Concur: Nares, J., McIntyre, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

October 5, 2001

**D038216        Jones Sports, Inc., et al. v. Neon Tech et al.**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a).  
The appeal is dismissed.

**D036703        People v. Hurtado**

The order is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., McDonald, J.

**D038183        In re the Marriage of Johnson**

The 1999 order is affirmed in its entirety. Nares, Acting P.J.; We Concur: Haller, J., McDonald, J.

**D036246        Blakemore v. California Department of Highway Patrol**

The judgment is reversed. Appellant shall be given leave to amend his harassment claim to state facts, if available, demonstrating the statute of limitations was tolled under Richards. Appellant shall recover his costs on appeal. McDonald, J.; We Concur: Kremer, P.J., Haller, J.

**D037096        Marriage of Pyfer**

The judgment is reversed. Respondent to pay costs on appeal. O'Rourke, J.;  
We Concur: Nares, Acting P.J., McIntyre, J.

**D035680        People v. Whittaker**

The judgment is reversed on counts 6 and 7. Because sentencing of these counts was stayed under section 654, no further proceedings in superior court is necessary. In all other respects, the judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., Nares, J.

**D037311        People v. Ross**

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Nares, J.

**D038242        In re Covarrubias on Habeas Corpus**

The petition is denied.